



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,071	11/17/2003	Alexander Busch	TER-00P0016	3313

24131 7590 11/04/2004

LERNER AND GREENBERG, PA  
P O BOX 2480  
HOLLYWOOD, FL 33022-2480

EXAMINER

PALABRICA, RICARDO J

ART UNIT PAPER NUMBER

3641

DATE MAILED: 11/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

***Response to Amendment***

1. The reply filed on 9/18/04 is non-responsive (37 CFR 1.111) to the prior Office Action because the objection to the drawings has not been corrected.

In the 6/14/04 Office Action, the Examiner objected to the drawings as follows:

"Claim 5 recites the limitation of a sensing arm secured to the carrier body through a bending joint, and a sensor is disposed for recording a bending angle of said bending joint. The bending angle sensor and the bending joint must be shown or the feature(s) canceled from the claim(s). No new matter should be entered."

Applicant's replacement drawing submitted on 9/18/04, which shows a "black box" for the bending joint, does not overcome the drawing defect.

First, replacement Fig. 1 does not show a bending joint securing the sensing arm to the carrier body. The term "to secure" means "to attach", "to tie up", or "to prevent from losing". The one-line diagram involving elements 12, 11 and 56 in said figure does not show the claimed "securing configuration". See MPEP 2111.01 that provides, "[T]he words of a claim must be given their 'plain meaning' unless they are defined in the specification. See also MPEP 2111.02 that provides, "'[P]lain meaning' refers to the ordinary and customary meaning given to the term by those of ordinary skill in the art."

Second, there are many different kinds of bending joints having different degrees of freedom and different purposes. These numerous bending joints do not look alike and they reside in numerous arts. Obviously, not all of these joints would work for the claimed invention, contrary to what the Applicant's "black box" conveys.

Art Unit: 3641

Third, the bending joint and its connection to the other elements of the claimed apparatus are essential for a proper understanding of the invention and cannot be illustrated in the form of a labeled rectangular box because they are not conventional features, as evidenced by the Applicant claiming them as part of his invention. See MPEP 608.02(d).

2. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rick Palabrica whose telephone number is 703-306-5756. The examiner can normally be reached on 7:00-4:30, Mon-Fri; 1st Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on 703-306-4198. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist, telephone number is 703-308-1113.

RJP  
November 1, 2003

